SINGLE BENCH (1) 3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 2082 OF 2006

PETITIONER

Vijay Kumar Kumbhkar, S/o Shri Khorbahra LaL Kumbhkar, Aged about 46 years, Assistant Teacher Posed in (Girls Middle School) Government Higher Secondary School Pandariya, District Kabirdham, (C.G.)

R.R. No. 3137/06
Presented by Shri Alok Shukla
dated 23/6/06

V E R S U S

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, Education Department, DKS Bhawan Raipur (C.G.)

RECEIVED-COPY
CLERK to A. G. BILASPUR
29/06/06 (01:30 pm)

2. The District Education Officer, Kabir Dham, Distt. Kabir Dham, C.G.

3. The Principal, Government Girls Higher Secondary School Pandaria, District Kabir Dham (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.3082/ **सन्** 200 6

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29-6-2006

Mr. Rakesh Pandey, counsel for the petitioner.

Mr. A.S. Kachhawaha, Govt. Advocate for the State/respondents, on advance copy.

Heard.

The main grievance of the petitioner in this writ petition under Article 226 of the Constitution of India, is that in spite of the fact that there were junior teachers to the petitioner working in Girls Middle School, Pandaria, even then the petitioner has been declared surplus contrary to the guidelines Annexure P-3, clause 5 of which envisages that in case of surplus teachers in any school the junior most persons will be declared surplus and transferred to other schools.

The case of the petitioner is that he was appointed as Assistant Teacher on 5-1-1982 and as per the certificate Annexure P-2, sanctioned strength of Girls Middle School, Pandaria is there. Respondent No.2 issued guidelines regarding surplus teachers, copy of which is Annexure P-3. There are number of teachers junior to the petitioner and they have not been declared surplus, whereas, the petitioner has been declared surplus in contravention of the guidelines issued by respondent No.2.

Learned counsel for the petitioner submits that therefore, the petitioner may be ~~directed~~ followed to make a representation to respondent No.2 and in turn, he be directed to decide the representation to which learned Deputy Advocate General has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the prayer made by learned counsel for the petitioner is just, fair and reasonable. Therefore, the petitioner is allowed to make a representation to respondent No.2 within 10 days from today, in

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मामला क्रमांक W.P.3082/ **सन्** 2006

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	turn, respondent No.2 shall decide the representation within a period of 30 days from the date of its receipt, in accordance with the guidelines issued by him, in accordance with law, after considering the points raised by the petitioner and till then the petitioner shall not be relieved, if already not relieved. With the direction aforesaid, the petition stands disposed of. In view of this order, M.(W.)P.No.2354/2006 also stands disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C.Bhadoo** **Judge**	